



Dkt. 2271/62705

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Yuichi YAMAGAMI et al.

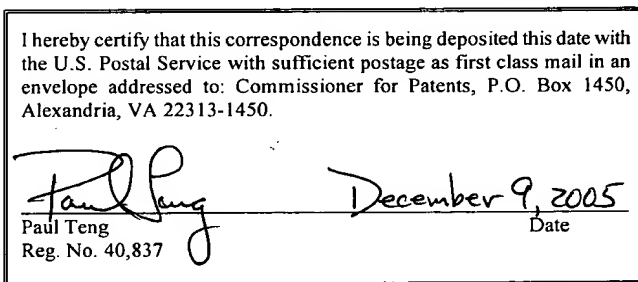
Serial No.: 09/704,434

Group Art Unit: 3629

Date Filed: November 2, 2000

Examiner: Jamisue A. Webb

For: MANAGING SHIPMENT CHARGES FOR INTERNATIONAL TRANSPORTATION
OF ITEMS



1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION IN RESPONSE TO NOVEMBER 4, 2005 OFFICE ACTION

Sir:

This Communication is submitted in response to the November 4, 2005 Office Action issued by the U.S. Patent and Trademark Office in connection with the above-identified patent application.

The November 4, 2005 Office Action indicates that examination of the application will be restricted by the Patent Office under 35 U.S.C. §121 to one of the following allegedly distinct inventions:

- Group I. Claims 1-13 and 17, drawn to a method of calculating differences in shipping charges using an actual supplier location and a virtual supplier location; and
- Group II. Claims 14-16, drawn to a computer system programmed to receive orders, calculate actual shipping charges of bulk and individual items.

Applicant hereby elects, with traverse, to prosecute Group I, claims 1-13 and 17.

Applicant, however, respectfully requests reconsideration of the restriction requirement. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application. Under M.P.E.P. §803, the application must be examined on the merits, even though it includes claims to distinct inventions, if the search and examination of an application can be made without serious burden.

Groups I and II are not independent. Under MPEP §802.01, "independent" means there is no disclosed relationship between the subjects disclosed. As acknowledged in the Office Action, each of Groups I and II relate to calculation of shipping charges. Therefore, Applicant respectfully submits that the Groups are not independent and restriction is improper.


In addition, Applicant submits that it would not be a serious burden if restriction is not require, because a search for prior art for Group I will likely turn up relevant references for Group II. Therefore, Applicant submits that search and examination of the Groups together would not be a serious burden.

Accordingly, in view of the preceding remarks, Applicant respectfully requests that the restriction requirement be withdrawn.

This response is being submitted with a Petition For Extension Of Time of one month. If a petition for an additional extension of time is required to make this response timely, this paper should be considered to be such a petition. The Office is hereby authorized to charge any fees that may be required in connection with this response and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



Paul Teng, Reg No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
Tel.: (212) 278-0400